

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. OF 2015.

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL)

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh (HRPB) Represented by it's Secretary Advocate Asaduzzaman Siddique, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Md. Aklas Uddin Bhuiyan Publicity Secretary of Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh, represented by the Secretary, Ministry of Housing and Public Works , Bangladesh Secretariat , P.S.: Shahbag, District: Dhaka.
2. The Mayor, Dhaka North City Corporation, Nagar Bhaban, Gulshan 2, Dhaka.
3. The Mayor, Dhaka South City Corporation, Dhaka City Corporation Bhaban P.S. Ramna, Dhaka.
4. The Chairman, Rajdhani Unnayan Kartripakkha (RAJUK), Rajuk Bhaban, Rajuk Avenue, Motijhil, Dhaka-1000
5. The Police Commissioner, Dhaka, , Dhaka Metropolitan Police (DMP), DMP

Head Quarter, Eskaton Road, Dhaka,
Bangladesh.

....Respondents.

GROUNDS

I. For that the traffic jam is seriously hampering the public life. It is the moral responsibility to ensure the free movement of the citizens. From the past experience it is learnt that due to inaction and negligent to traffic system many the peoples are suffering. The cause behind this is illegal occupation of road , pathway, setting up shops in the road and encroachment by the shop owners in the road side . It cannot be expected that the road users will be safe under these conditions. It should realize that due to illegal encroachment and using car parking area by constructing shop, business establishment by the land owners violating law and rules the vehicles can not move hence there is serious traffic jam , so necessary steps should be made for improving the situation.

II. For that due to ignorance of implementation of Building Construction Rules heavy traffic always in all the street in Dhaka city area and most of the time people became victim. Due to occupation of car parking area of the building situated on the side of the road the vehicles are bound to parking in street and for this reason movement of the people became restricted. It would be better if all the obstructions in the road be removed and the respondents took the matter seriously and take steps as per the existing law and procedure.

III. For that if it is expect to reduce the road traffic, the building construction law and rules has to be obeyed and followed. Most of our roads are under control of the small shop owners but the law enforcing agencies are silent in this regard.

IV. For that considering all the circumstance stated above it is necessary to take steps by the authority concern to remove all obstructions from the road side by way of evicting/demolishing illegal construction in the place of car parking. Day by day the situation is decreasing due to the negligence of the respondents and the people are losing valuable time due to heavy traffic jam. But no authority is perfectly moving to solve the problem, so people suffering is continuing. Considering the safety of the time of the citizen and in order to save their valuable time the respondents should be vigilant, which could be reduce the traffic jam of the street.

V. For that free movement on road in Dhaka City has become a far cry due to many reasons. That the traffic jams is one reason which is mainly caused by unauthorized parking of vehicles on road in stead of parking in the designated areas. That it is noticed that many car parking spaces of residential buildings of Dhaka City as approved by

the RAJUK are used for commercial and other purposes illegally that contributes a huge traffic jam in the city.

VI. For that during the last Care Taker Government back in 2007-2008, some drives were conducted by the authority against the illegal use of car parking spaces but it was stopped suddenly for unknown reasons.

VII. For that RAJUK Mahakhali Zonal Office, Dhaka has recently prepared a list of almost 200 names of establishments/owners of Gulshan, Baridhara and Banani residential areas who have been using their car parking spaces for commercial purposes or other economic exploitation without any prior permission of RAJUK. That using approved car parking areas for commercial purposes is a clear violation of law, which should be treated in accordance with law as well.

VIII. For that the said list published by RAJUK Mahakhali Zonal Office, Dhaka shows a small part of a big chunk of illegal use of approved car parking in Dhaka City. To ensure the legal use of car parking and to reduce huge traffic jam from the city, immediate intervention by the proper authorities is a must.

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to -

a) Issue a Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondents to take appropriate steps to ensure the implementation of the provisions of Building Construction Act 1952, Building Construction Rules 1996 and Dhaka City(Construction, Development, Preservation and Removal) Rules 2008 and to evict/remove/demolish all structure/construction/premises made/used by the land owner at car parking places besides road/streets of Dhaka City violating the RAJUK approved plan.

b) Pending hearing of the rule direct the respondent no. 1 and 4 to made a survey about the violation of RAJUK plan in case of construction at car parking places besides main road/streets of Dhaka City violating the RAJUK approved plan and submit a

report in within 30 days before this court through affidavit.

c) Direct the office to serve the notice and copies upon the respondents at the cost of office.

e) After hearing the parties make the Rule absolute.

F) Pass such other and further order and/or orders as your Lordships may deem fit and proper.

Present Status

The case was filed and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents. The matter is pending before the Hon'ble High Court Division.
